

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:07CR-03**

UNITED STATES OF AMERICA)	
)	
v.)	
)	Motion for Transport for
JUSTIN K. TRIPP)	Medical Treatment
_____)	

COMES NOW, the defendant, Justin K. Tripp, by and through his undersigned counsel, Christopher C. Fialko, and moves the Court to Order the United States Marshal to transport Tripp for medical treatment.

In support of this motion, defendant Tripp shows the Court the following:

1. Shortly before his arrest on January 4, 2007, Tripp had received treatment by Endodontist Dr. Jeffrey Hutcheson, including a partial root canal. He was due to return to complete the treatment, but has been detained since his arrest.
2. Tripp has sought treatment at the Mecklenburg County Jail, but the jail is not equipped to perform root canal procedures.
3. At his sentencing on October 24, 2007, counsel for Tripp asked the Court to order the United States Marshal to transport Tripp from the jail to complete the root canal procedure, before the damage to his teeth became permanent.
4. The Court did not order the Marshal to do so, but asked the Marshal's office to look into whether it could arrange the treatment without Court order. The Court told

counsel to return to the Court if no treatment was rendered within 30 days.

5. The Marshal has not sought or found treatment for Tripp.
6. Tripp remains in daily serious dental pain, and is in danger of losing permanent teeth.
7. To the defense's knowledge, Tripp has not yet been designated to a Bureau of Prisons facility.
8. Counsel has been in contact with Endodontist Dr. Hutcheson's office (8430 University Executive Park Drive, Suite 600, Charlotte, North Carolina; Telephone 704 548-1100), and he is willing to perform the root canal procedure on January 3, 2008 at 9:30 a.m.. Tripp's father has made arrangements to pay for the procedure in full.

Therefore, defendant Justin K. Tripp moves the Court to Order the United States Marshal's office to transport, or arrange to transport, Tripp to Dr. Hutcheson's office for the medical treatment as described above.

THIS the 17th day of December, 2007.

/s/ Christopher C. Fialko
CHRISTOPHER C. FIALKO
Rudolf Widenhouse & Fialko
1800 Camden Road, Suite 105
Charlotte, NC 28203
Telephone: (704) 333-9945
Facsimile: (704) 335-0224
E-mail: cfialko@rwf-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served the foregoing Motion by depositing a copy thereof, by ECF system, or postage paid, in the U.S. Mail, to:

Steven R. Kaufman, Esq.
Assistant U.S. Attorney
Suite 1700, Carillon Building
227 West Trade Street
Charlotte, NC 28202
Steven.Kaufman@usdoj.gov

THIS the 17th day of December 2007.

CHRISTOPHER C. FIALKO